

Meeting of the Planning Board of the Town of Lewisboro held at the Town Offices at Orchard Square, 20 Cross River Plaza, Lower Level, Cross River, New York on Tuesday, February 17, 2015 at 7:30 p.m.

Present: Jerome Kerner, Chairman
Robert Goett
Gregory LaSorsa
John O'Donnell
Ron Tetelman
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Greg Monteleone,, Esq., Special Counsel
David Sessions, RLA, AICP, Kellard Sessions Consulting, Wetland Inspector
Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant
Joseph Cermele, PE, Kellard Sessions Consulting, Town Engineer
Lisa Pisera, Planning Board Secretary

Also in Attendance: Janet Andersen and Bob Karpel, Conservation Advisory Council (CAC).

The Chairman called the meeting to order at 7:30 p.m. and noted the exit.

I. PUBLIC HEARING

Oakridge Gardens (Smith Ridge Housing, LLC, owner of record), NYS Route 123, Vista – Request for partial release of bond submitted in accordance with Smith Ridge Housing, LLC, Security Agreement for Construction of Water and Sewer Improvements to be Conveyed to Oakridge Water and Sewer Districts - Cal# 6-02PB

The Chairman announced the commencement of the public hearing. There were no objections to the time, place or advertisement of the public hearing.

Phil Pine, President, Laurel Ridge Development, Inc., was present.

Mr. Johannessen stated that the Town Board took dedication of the water and sewer improvements by the Oakridge condominium complex. The water and sewer improvements have been installed and inspected by Kellard Sessions who has signed off on them. The road improvements of Phase I have been completed to the satisfaction of Kellard Sessions. Lighting and landscaping has been done. Two certificates of occupancy have been issued thus far.

There were no comments by the public.

Mr. O'Donnell noted that approval from the Westchester County Department of Health was received on January 23, 2015.

Mr. Siebert reviewed the resolution. Mr. Siebert noted that the resolution contains as a continuing condition that the Planning Board must have final and unconditional acceptance by the Town; the Town Board resolution was a conditional approval, however, the conditions set forth in the Town Board resolution appear to have been satisfied.

On a motion made by Mr. Tetelman, seconded by Mr. Goett the Public Hearing for Oakridge Gardens (Smith Ridge Housing, LLC, owner of record), NYS Route 123, Vista – Request for partial release of bond submitted in accordance with Smith Ridge Housing, LLC, Security Agreement for Construction of Water and Sewer Improvements to be Conveyed to Oakridge Water and Sewer Districts - Cal# 6-02PB, was closed.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the resolution dated February 17, 2015 granting Partial Release of Performance Security to Smith Ridge Housing, LLC, 450 Oakridge Commons, South Salem, was adopted.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

The Board discussed the letter dated February 13, 2015 submitted by Mr. Pine requesting an extension of time to April 30, 2015 to complete the installation of the hydrostatic separator (Downstream Defender). Mr. Pine also requested approval to continue securing additional Certificates of Occupancy under the November 18, 2014 Amended Approval. Mr. Pine stated that the Downstream Defender is to be installed, but severe weather conditions have necessitated a delay.

On a motion made by Mr. O'Donnell, seconded by Mr. Goett, the resolution dated February 17, 2015 granting Amended #8 Approvals – Wetland Activity Permit, Town Stormwater Permit, and Site Development Plan to Smith Ridge Housing, LLC, 450 Oakridge Commons, South Salem, was adopted.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

There was no further discussion by the Board.

Bacio Trattoria, 12 North Salem Road, applicants (Owner of Record: K&K Real Estate Inc.) Applications for Site Development Plan Approval, Wetland Activity Permit Approval, and Stormwater Permit Approval, Cal # 9-10PB, Cal # 84-14 WP, Cal # 14-14SW

The Chairman announced the commencement of the public hearing. There were no objections to the time, place or advertisement of the public hearing.

Ed Delaney, Bibbo Associates, and Michael Sirignano, Esq., represented the applicant.

Mr. Delaney reviewed the application.

Mr. Delaney stated that the entire site will be brought into conformance with Town Code; the 30 parking spaces will be totally conforming, and spaced appropriately.

Public hearings have been conducted by the Town Board and Zoning Board of Appeals (ZBA). Architectural and Community Appearance Review Council (ACARC) approval has been received. The applicant is close to receiving New York City Department of Environmental Protection (DEP) approval.

The WCDH has approved the septic system for the site.

Mr. Johannessen stated that the applicant has addressed the majority of Kellard Sessions comments. With regard to approval from the New York State Department of Transportation (DOT) for demolition work, Mr. Delaney stated that the applicant has decided to avoid work on DOT property in order to avoid the necessity of DOT approval.

In response to Mr. Goett, Mr. Delaney stated that part of the overall signage approval indicates that handicapped seating is available inside the restaurant; no outdoor handicap seating is proposed.

In response to Mr. O'Donnell, Mr. Delaney stated that the Stormwater Maintenance Agreement is included in the Stormwater Pollution Prevention Plan (SWPPP) to be approved by the DEP. Mr. Cermele stated that Kellard Sessions has no objections to the SWPPP. Mr. Johannessen expressed his opinion that the outlet which is shown on the adjacent property would require an easement from the adjacent property owner. If the applicant is unable to obtain the easement, another method of discharge would have to be explored. Mr. Delaney stated that discussions with the adjacent property owner (Mr. Worell) are ongoing.

The possibility of handicap access to outdoor dining was discussed.

Jennifer Mayadas-Dering, 5 Mark Mead Road, Cross River, addressed the Board. Ms. Mayadas-Dering read her letter to the Board dated February 17, 2015 (see Attachment A), which she submitted to the Planning Board Secretary. Ms. Mayadas-Dering also submitted a letter from her neighbors, Matt and Fiona Spencer opposing the project (Attachment B). Neither letter had been submitted prior to the public hearing.

Ms. Mayadas-Dering brought up the concern of raccoons in the neighborhood.

With regard to the septic tank, Ms. Mayadas-Dering questioned whether the septic tank, where it currently resides, conforms to clearances for the building. Ms. Mayadas-Dering also questioned whether septic effluent from a property can be disposed onto a property from which it did not originate. Ms. Mayadas-Dering addressed concerns of the outdoor seating (capacity, serving).

Mr. Kerner noted that the project has been under review by the Planning Board since 2009 and that issues of the wetlands environment, safety, and parking have been thoroughly reviewed by the Planning Board and its consultants, as well as the engineers of the applicant.

Jeffrey Yorke, 7 Mark Mead Road, Cross River, addressed the Board. Mr. Yorke stated that Ms. Mayadas-Dering had brought up many of his concerns. Ms. Mayadas-Dering had provided Mr. Yorke with a copy of her letter, which he submitted in duplicate. Mr. Yorke stated that he believes his quality of life has been negatively impacted by the restaurant. Mr. Yorke also stated that he feels that his concerns, as well as those of Ms. Mayadas-Dering, and Mr. & Mrs. Spencer, have been trivialized. Mr. Yorke questioned the legality of the septic on the residential zoned lot. Mr. Yorke expressed his concern for safety while walking near the intersection.

Mr. Delaney noted that a letter in favor of the project from Virginia Dachenhausen, 22 Mark Mead Road, Cross River, had been submitted to the Planning Board in January (Attachment C).

Ms. Dachenhausen addressed the Board. Ms. Dachenhausen stated that Bacio has been a good neighbor, adding that the neighbors had met with Bacio in the past to discuss expansion plans that were under consideration by the applicant.

An unidentified member of the audience stated that she is not opposed to the project provided that the applicant carries out the appropriate modifications and safety measures, however, she does not feel that this is the case.

Mr. Sirignano addressed comments raised by the public.

Mr. Sirignano stated that the applicant has accommodated the neighbors. Past expansion considerations included a separate building concept with various uses; these considerations were abandoned, and the applicant committed to keep the expansion to the restaurant. The restaurant use of the property exists because the front portion of the lot where the restaurant sits is zoned for this type of use. Mr. Sirignano clarified that the lot is a single tax lot, bisected by a zoning line, not two separate lots as inaccurately stated by the various individuals who had previously spoken.

Mr. Sirignano stated that Lawrence Praga, former counsel to the Planning Board, opined in 2009/2010 that the underground septic system was permissible on the residential side to service the restaurant. The WCHD had approved that system, as well as the plan proposed.

Mr. Sirignano acknowledged that the current parking/driveway system is not optimal. The proposed plan is a major improvement in terms of flow and safety. Mr. Delaney reviewed the proposed flow of traffic, noting that cars that are currently parking at the entrance to the restaurant will be back loaded to the rear of the restaurant. The proposed circulation pattern is one-way, going around the site. Mr. Delaney showed the flow of traffic on the plan displayed.

Stormwater runoff was discussed. Mr. Delaney stated that all water coming off of the site, which has left the site previously, will be controlled on site.

Mr. Sirignano stated that the proposed plan fully conforms to Town Code.

Mr. Johannessen noted that the zoning boundary line was moved by Town Board resolution in 2011 resulting in all above ground improvements being in the RB zone; subsurface improvements may be on the residentially zoned portion of the property. It was determined that the septic system in place at that time could be installed on the residentially zoned property.

Ms. Andersen stated that the CAC views the project as an improvement and had no comments.

Mr. Johannessen stated that there are two low-functioning wetlands on the property. The prior owner had received approval to fill the wetland that was on the property many years ago. What are left are the remnants of the larger wetland that was approved to be filled.

Jennifer Marcus, 18 Mark Mead Road, Cross River, addressed the Board. Ms. Marcus stated that she does not object to the project, however, stated her agreement that the entrance to the restaurant has been a dangerous situation.

Mr. O'Donnell stated because the letters from Ms. Mayadas-Dering and Mr. and Mrs. Spencer were not previously submitted, he wanted time to review them.

On a motion made by Mr. LaSorsa, seconded by Mr. Tetelman, the Public Hearing of Bacio Trattoria, 12 North Salem Road, applicants (Owner of Record: K&K Real Estate Inc.) Applications for Site

Development Plan Approval, Wetland Activity Permit Approval, and Stormwater Permit Approval, Cal# 9-10PB, Cal# 84-14 WP, Cal# 14-14SW, was closed.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. Tetelman.

Opposed: Mr. O'Donnell

Mr. Johannessen reviewed the resolution dated February 17, 2015 - Site Development Plan Approval, Wetland Activity Permit Approval, and Town Stormwater Permit Approval. Mr. Johannessen clarified the outdoor seating calculation is 25% of the indoor seating area, not 25% of the number of seats; it is an area calculation.

Mr. Johannessen stated that Kellard Sessions has seen the DEP comments. They are very technical in nature and at this point will not require changes to the design.

Mr. Siebert noted that a Negative Declaration had been adopted in 2013.

Mr. O'Donnell stated that he reviewed the letters submitted; with the exception of the odor and raccoon comments, all other comments had been addressed.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the resolution dated February 17, 2015 granting Site Development Plan Approval, Wetland Activity Permit Approval, and Town Stormwater Permit Approval to Bacio Trattoria, 12 North Salem Road, applicants (Owner of Record: K&K Real Estate Inc.) was adopted.

There was no further discussion by the Board.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

II. SKETCH PLAN REVIEW

Waccabuc Country Club, Perch Bay Road, Waccabuc, - Applications for Site Development Plan Approval, Wetland Activity Permit Approval and Stormwater Permit Approval – Relocation of snack shack, providing additional gravel parking area with retaining wall, providing a handicap parking space; relocation of BBQ pits – Cal# 6-13PB, Cal# 93-14WP, Cal# 17-14SW

Tim Allen, Bibbo Associates, and John Assumma, General Manager, Waccabuc Country Club, were present.

Mr. Allen reviewed the project.

Mr. Allen stated that the anticipated starting date for the project is in the spring of 2016.

Mr. Johannessen addressed use of the property. Mr. Johannessen stated that he has had conversations with Mr. Siebert, and Peter Barrett, Building Inspector. Mr. Johannessen stated that Mr. Barrett had communicated that he views the use as an existing, nonconforming use. Mr. Johannessen stated that a Golf Club is neither a permitted, nor specially permitted, use of the zone under the current code; it is considered prohibited. Mr. Johannessen noted that this is an existing use, and the applicant is proposing to expand. There is a provision in the Town Code for expansion of nonconforming uses as

permitted with ZBA approval. Mr. Johannessen suggested that an application to the Zoning Board be made.

At the request of Mr. O'Donnell, Mr. Allen discussed the changes made to improve drainage at the site. Mr. Allen stated that these were improvements in kind. No permits were required.

Ms. Andersen reviewed the CAC comment raised in the CAC memo dated January 15, 2015 regarding the flow of the septic effluent from the snack bar; the septic effluent appears to flow downhill to the pit from where it is pumped back uphill to the existing septic area. Discussion of the location of the pit took place.

Mr. Kerner noted that the plan represents an overall improvement to the site and suggested that consideration of the relocating the pump pit would further enhance the plan.

Mr. O'Donnell stated that the new snack bar appears to be two times the current size. Because it is being moved within the site, does the movement have to be of similar size to be legally considered a "similar nonconforming use"? Mr. Siebert stated that this is ultimately a call for the Building Department.

The applicant agreed to contact the Building Department regarding the project.

Goldens Bridge Village Center, NYS Route 22, Goldens Bridge – owner of record: Stephen Cipes, Applications for Sketch Plan Review/Site Development Plan Approval, Wetland Activity Permit Approval and Stormwater Permit Approval for the construction of proposed 2-story multi-use building – Cal# 8-14PB, Cal# 95-14WP, Cal# 20-14SW

Robert Lauria, authorized representative, Sabri Barisser, Bibbo Associates, and Peter Helmes, AIA, represented the applicant.

Mr. Lauria stated that the potential new tenant for the proposed building is Little Feet Daycare Center.

Mr. Helmes reviewed the proposed project and displayed the plans.

Mr. Helmes stated that the proposed building must accommodate a daycare facility which has certain requirements for handicapped accessibility; as well as offices on the second floor. A building of the proposed size is necessary to make the project viable.

Mr. Helmes stated that infants must be on the first floor level, with direct access to the exterior. The lobby area must have a connection to the daycare facility in order to meet handicap accessible requirements, in the event elevator access to the second floor is needed.

Mr. Helmes stated that he has met with the New York State Office of Children and Family Services (NYSOCFS) which oversees daycare facilities. Although the New York State Building Code allows a 20 foot dead end corridor, at meeting which occurred on February 4, 2015, the applicant was required by NYSOCFS to have a direct exit out of the building from the second floor. The applicant has incorporated this into the plan.

The proposed retail spaces on the first floor are dry retail spaces.

The building will have pedestrian access from all sides.

Mr. Helmes discussed vehicular circulation. The circulation would be off of Route 138 or Route 22 onto the extension road (North Street). There would be one way in, and a left turn and a right turn out. Proper traffic signage would be in place.

Traffic leaving the proposed building could exit onto North Street, or continue into the existing shopping center. Mr. Helmes stated his opinion that a daycare facility in this location would be a great asset to the existing shopping center. There would be no direct competition to existing businesses.

Mr. Helmes acknowledged receipt of the Kellard Sessions memo dated January 21, 2015 and the CAC memo dated January 13, 2015. Mr. Helmes submitted Memorandum dated February 17, 2015 in response to the Kellard Sessions and CAC memos.

Mr. Kerner expressed concerns regarding vehicular accidents and the amount of traffic that may occur at (daycare) drop off and pick up times. Mr. Helmes estimated the number of students at 102. At the request of Mr. Kerner, Mr. Helmes discussed traffic patterns during concentrated periods, and emergency vehicular access. Mr. Helmes stated that the plan includes turning radiuses that comply for tractor trailer trucks and fire apparatuses.

Mr. Helmes stated that the Fire Department has not yet seen the plan. Phil Greeley has been commissioned to do a traffic study which will address: intersection counts; information provided by the daycare provider regarding times of drop off and pick up, including the busses that would be coming two to four times a day; and circulation of all vehicles. Mr. Greeley will also address the turning radii.

Congestion at the existing shopping center was discussed. Mr. Lauria stated that there are plans to expand and widen the existing lot.

An open ended discussion took place regarding parent parking during drop off and pick up. The Board expressed concern that parents would park illegally when dropping off and/or picking up their child(ren). Scott Roveto, Little Feet Daycare, discussed the procedures currently in place at the Little Feet Daycare in Carmel, New York. Mr. Roveto invited the Board to visit the Carmel site. Mr. Roveto also stated that he has been in touch with the Katonah Lewisboro School District to discuss bus drop off.

In response to Mr. LaSorsa, Mr. Helmes stated that there would be a net increase of 81 total parking spaces.

Mr. Tetelman requested that Mr. Greeley be informed of the Board's concerns regarding traffic circulation.

Mr. O'Donnell questioned the paving of the septic system. Mr. Helmes stated that the project is grandfathered. The septic was approved when paving was permitted. Because there is no septic system expansion, paving is permissible.

Pedestrian access to the site and general area was discussed, including Route 138 and the Goldens Bridge Train Station. Dan Welsh, Town Board member, was present. Mr. Welsh had provided the

Board with a document regarding the Bike Pedestrian Plan. The Planning Board Secretary and applicant representatives did not receive the document.

Mr. Helmes stated that the applicant is proposing to build the sidewalk on the applicant's property out to North Street and the crosswalk into the commuter lot.

Mr. Welsh stated he is happy that the applicant is contemplating a connection to the outside world. Mr. Welsh is hopeful that the applicant will work with the Town Engineers and members of the community. Mr. Lauria stated his willingness to cooperate.

Mr. Lauria stated that commuter parking will not be permitted in the shopping center/daycare parking lots. Cars will be towed.

Mr. Helmes stated that the applicant's representatives will meet with Kellard Sessions so that the traffic engineer is clear on what the Board would like to see in the traffic study.

Mr. O' Donnell suggested that the traffic study include the possibility of reorienting the parking spaces.

The Board gave Joseph Decaminada, Goldens Bridge resident, the opportunity to speak. Mr. Decaminada questioned whether the daycare facility's business model included a tutoring service in the afternoon. In response, Mr. Roveto stated that Little Feet is not a tutoring service: Little Feet is a full scale school, servicing children from six weeks up to 12 years old. Mr. Roveto clarified that only Katonah Lewisboro busses whose routes pass by the daycare facility would be transporting children to and from the facility. The school district would not incur any additional expenses. Both full size and mini busses would be used. The Board asked that this information be depicted in the traffic study.

Mr. Johannessen suggested that Little Feet Daycare submit a business or operational plan.

Eric Strand, Goldens Bridge resident, member of Goldens Bridge Fire Department addressed the Board. Mr. Strand noted that there are daily accident reports from the existing shopping center. Mr. Strand suggested that the applicant consider making the traffic flow one way; entering on North Street and exiting on Route 22.

The unloading of semi trucks in the existing parking lot was discussed. Trucks are delivering in the front of the building, rather than using the loading areas in the back.

Mr. Strand expressed concern about stress on the septic system. Mr. Lauria clarified that there are separate tanks for the existing and proposed buildings.

Mr. Strand urged the applicant to seriously consider the Bike Pedestrian Plan.

Mr. Kerner stated that this meeting was a work session, not a public session. Exceptions were allowed for Mr. Decaminada and Mr. Strand; however, this will not be the norm going forward.

Mr. Johannessen highlighted a few comments contained in the Kellard Sessions memo dated January 21, 2015: a variance is needed from the ZBA on the height of the walls; unless the Planning Board approves the joint use of parking spaces, a variance for the parking space deficiency would be required.

In response to Mr. O'Donnell, Mr. Johannessen stated that he is not aware of any existing variances that have been obtained on the property.

Mr. Johannessen confirmed for Mr. Helmes that should the Planning Board approve joint use of parking spaces, a variance would not be necessary.

Variances are the responsibility of the Building Inspector/ZBA.

Mr. O'Donnell requested that the applicant provide a photograph of the South area of the site.

Ms. Andersen reviewed the CAC memo dated January 13, 2015. With regard to providing pedestrian access to Route 138, Mr. Lauria stated that the land needed to provide the access suggested by the CAC is not owned by the applicant.

Copia Garden Center, 475 Smith Ridge Road - owner of record: Organic Choice, Inc. (Block 09834, Lots 035 & 048, Sheet 0053) & Peter and Jennifer Cipriano, 5 East Street (Block 09834, Lot 036, Sheet 0053) - Application for Sketch Plan Review/Site Development Plan for improvements to the existing Copia Garden Center including modification to curb cuts along East Street and expansion of the existing use onto adjacent tax parcel 09834-036-0053 – Cal# 1-15PB

Peter Cipriano, owner, was present. Michael Sirignano, Esq., represented the applicant. David Coffin, AIA, was present on behalf of the applicant.

Mr. Sirignano gave an update on the tax lots as outlined in the Sketch Plan Review Narrative which is included in the February 17, 2015 Agenda Packet.

Mr. Coffin reviewed the proposed plan, with particular attention to the curb cut off East Street. Mr. Coffin submitted annotated responses to the Kellard Sessions memo dated February 12, 2015 (Attachment D).

Mr. Coffin stated that the site plan is relatively unchanged from the previous submission. The curb cut has been reduced from 75 feet to 60 feet. The location of the property line has been clarified.

Mr. Coffin reviewed the annotated response to Comment #1 of the February 12, 2015 Kellard Sessions memo regarding the utilization of the existing curb cut off of Route 123.

Mr. Cipriano conveyed to the Board the difficulty he experienced in the past when attempts were made to unload tractor trailers on the north side of the building. Mr. Cipriano stated that he does not agree with having an entrance off of Route 123.

An open ended discussion of the maneuvering of trucks getting on and off the property, and the location of the curb cut, took place.

Mr. Cermele requested that the applicant reconsider the alternative presented by Kellard Sessions: utilizing the existing curb cut on Route 123 for commercial deliveries, with delivery circulation through the site and exiting onto East Street. Mr. Cermele stated his belief that a 50 foot curb cut is excessive.

Mr. Cipriano stated that it is cost prohibitive to reconfigure entrance/egress off Route 123.

Traffic safety issues were discussed.

Mr. Johannessen stressed his concern about the excessive width of the curb cut.

The applicant was instructed to meet with Kellard Sessions to discuss options. The applicant agreed.

Mr. O'Donnell raised the question of wetlands on the property. Mr. Johannessen stated that there are two wetlands: one is well defined on the opposite side of Smith Ridge Road; the second is on the other side of the park. The applicant had submitted a Wetland Questionnaire, but due to the amount of snow on the ground, the wetland has not yet been verified. The wetland on the other side of Smith Ridge is defined by topography and can be located on a map. The wetland behind the park will require investigation.

Mr. O'Donnell asked for clarification of the extension of the Town right-of-way. Mr. Cipriano stated that this is part of the 1985 approval. Mr. Johannessen suggested that the applicant submit the site plan of record. Mr. Coffin stated that the taking is dated the same date as the site plan approval.

In response to Mr. O'Donnell, Mr. Cipriano stated that his employees park on the Town Park property. Mr. Sirignano stated that there has been no enforcement issue. Visitors to the park also park in the unloading area on Mr. Cipriano's property.

Ms. Andersen stated that the CAC had no concerns.

Hex web fencing was discussed. The applicant was asked to submit a photo of hex web fencing.

III. PROJECT REVIEW

Michael Bocklet, 15 South Shore Drive, South Salem – Application for Wetland Activity Permit Approval for drainage improvements and replacement of existing terrace – Cal# 38-14WP, Cal# 3-14WV

Michael Bocklet was present.

Mr. Johannessen stated that all mitigation has been completed. An administrative wetland permit has been issued. Kellard Sessions conducted an inspection in December, 2015. The site must be vegetated in the spring.

An admission has already been entered. Upon submission and review of a cost estimate, the Board should be in a position to deliberate and determine the amount of a penalty.

Mr. O'Donnell stated that he is acquainted with Mr. Bocklet. Mr. O'Donnell will participate in the discussion that takes place at this meeting; however, will not be part of the deliberation.

Mr. Bocklet submitted cost estimate.

Mr. Bocklet stated that due to health and personal issues during the time that the violation occurred, he was unfortunately naïve in the process. Mr. Bocklet confirmed that he had received approval from the community association, and that work was not permitted until after Labor Day.

Mr. Monteleone had no questions or comments.

Mr. Kerner confirmed that the violation would be reviewed by the Board in Executive Session.

J2 Boniello Builders – Property fronting Bouton Road – Applications for Wetland Activity Permit Approval and Stormwater Permit Approval to construct a single family residence serviced by a septic system and drilled well – Cal# 39-14WP

Jesse and Jared Boniello, owners, were present. Tim Allen, Bibbo Associates and Beth Evans, Evans Associates were present on behalf of the applicants.

Ms. Evans reviewed the letter from Evans Associates dated December 29, 2014 responding to comments contained in the December 10, 2014 Kellard Sessions memo. A Wetland Mitigation Plan dated December 14, 2014 was included in the submission to the Planning Board.

Mr. Johannessen stated that in a conversation with Ms. Evans, it was agreed that the conservation area would be physically demarcated in the field using concrete monuments.

Ms. Andersen reviewed the CAC memo dated January 15, 2015, suggesting that the applicant consider restrictions regarding the use of salt and pesticides on the bridge going over the river. The use of sand was discussed. Ms. Evans agreed to restrict the use of pesticides and limiting the use de-icing compounds.

A public hearing will be scheduled for March 17, 2015.

Mr. Kerner excused himself from the meeting, at 10:10 p.m. and exited the building. Mr. O'Donnell acted as Chairman in the absence of Mr. Kerner.

George and Susan Lasota, 120 Boway Road, South Salem – Application for Wetland Activity Permit Approval for construction of proposed 1-story kitchen addition, Cal# 1-15WP

Steven Helmes, AIA, The Helmes Group, represented the applicant.

Mr. Helmes reviewed the project.

Mr. Helmes displayed updated plans. Mr. Helmes stated that the comments contained in the January 21, 2015 Kellard Sessions memo have been incorporated into the plans he displayed.

Mr. Johannessen stated that all comments have been addressed. Mr. Johannessen stated that he had no concerns handling the permit administratively.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, it was determined that the proposed action would be handled administratively by the Town Wetland Inspector.

In favor: Mr. Goett, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

Absent: Mr. Kerner.

Roger Davidson, 128 Deer Track Lane, Goldens Bridge – Applications for Wetland Activity Permit Approval, and Stormwater Permit Approval for the construction of proposed addition consisting of new garage, bedroom and music studio, Cal# 96-14WP and 21-14SW

Ed Delaney, Bibbo Associates, was present on behalf of the applicant.

Mr. Delaney reviewed the project.

Mr. Delaney stated that the property is on public water supply and a septic system. Bibbo Associates became involved in the project after it was well underway, and is handling the stormwater, wetland mitigation, and local approvals. An engineer from Dutchess County is handling the septic. Mr. Delaney stated that there will be an expansion to the existing septic. There will be a new area outside of the buffer.

Mr. Delaney stated that multiple easements run through the property.

Mr. Delaney stated that Bibbo Associates has met with Kellard Sessions on the site.

Mr. Delaney stated that he has not seen WCDH plans or any septic system plans. Mr. Delaney stated that the test pits and witnessed perc tests have all been completed in front of WCDH engineers and DEP authorities. The WCDH has no problem with the plan and is awaiting DEP approval.

Mr. Johannessen reviewed the January 21, 2015 Kellard Sessions memo.

In response to Ms. Andersen, Mr. Delaney stated that the koi pond has no connection to the wetland system on the property. Mr. Delaney also stated that the culvert is on the Davidson property.

Mr. Delaney was instructed to meet with Kellard Sessions.

A site walk will be scheduled dependent on weather conditions.

IV. DISCUSSION

Popoli Subdivision – owners of record: Pasquale Popoli & Angelo Sicuranza, 1437 Route 35, South Salem – Cal# 8-02 PB

Mr. Popoli, owner, was present. Mr. DeLalla, DeLalla & Associates, LLC, was present on behalf of the applicant.

Mr. Popoli stated that he is now in contract with a new buyer whose intent is to purchase the entire property and move forward with development.

Mr. Johannessen stated that he had been on the site in September and that the site was stabilized.

Mr. DeLalla stated that there have been no changes to the site since September.

A request for extension of time was submitted by Mr. DeLalla. The Board and Mr. Siebert reviewed the request.

On a motion made by Mr. Tetelman, seconded by Mr. Goett, the Board granted the request for a 90-day extension to June 11, 2015 to Pasquale Popoli & Angelo Sicuranza, 1437 Route 35, South Salem, to comply with the resolution granting Final Cluster Subdivision Approval and Wetland Activity Permit Approval dated December 8, 2009.

Estate Motors Mercedes Benz, (Charisma Holding, Inc., owner of record), 321 Main Street (NYS Rte. 22), Goldens Bridge – Request for refund of bond deposit

Lew Visconti was present on behalf of the applicant.

Mr. Visconti reviewed the request for refund of bond deposit dated February 11, 2015. Mr. Visconti presented a copy of the original agreement, and the check given to the Town.

Mr. Siebert reviewed the documents submitted and stated that they are in order.

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the Planning Board determined that a recommendation be made to the Town of Lewisboro Town Board for the release of the Deposit of Funds in Lieu of Bond, made by Estate Motors concerning the Green Street right-of-way, in the amount of \$29,375 due to abandonment of the project.

In favor: Mr. Goett, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

Absent: Mr. Kerner

Septic Compliance Administration

Due to the late hour of the evening, discussion of Septic Compliance Administration was postponed.

Stormwater Management and Erosion and Sediment Control

Due to the late hour of the evening, discussion of Stormwater Management and Erosion and Sediment Control was postponed.

V. MINUTES OF DECEMBER 16, 2014

On a motion made by Mr. Tetelman, seconded by Mr. Goett, the minutes of December 16, 2014 were adopted.

In favor: Mr. Goett, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

Absent: Mr. Kerner

VI. WETLAND VIOLATION**Ryan and Patricia Caban, 31 South Shore Drive, South Salem – Cal# 5-14WV**

Patricia and Ryan Caban, owners, were present. Peter Martini, father of Patricia Caban was also present.

Because there had not yet been any communication between the owners and Mr. Monteleone, Mr. Monteleone requested to meet with them outside of the meeting room. The owners agreed left the meeting room with Mr. Monteleone and Mr. Sessions.

Upon re-entry to the meeting room, Mr. Monteleone stated that the owners did not yet want to enter a plea.

Contact information was provided to the Planning Board Secretary.

Mr. O'Donnell instructed the owners to speak with Mr. Monteleone and appear before the Planning Board at the March 17, 2015 meeting.

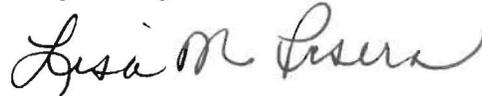
VIII. ADJOURNMENT

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the meeting was adjourned at 10:58 p.m.

In favor: Mr. Goett, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

Absent: Mr. Kerner.

Respectfully Submitted,



Lisa M. Pisera
Planning Board Secretary

ATTACHMENT A

Received 2/17/15

Date: 2/17/2015
TO: The Town of Lewisboro Planning Board
FROM: Jennifer Mayadas-Dering & Ken R. Dering
5 Mark Mead Road
Cross River, NY 10518
SUBJECT: Bacio Application for Expansion



To Whom it May Concern:

I am writing to oppose the current application by the Bacio Restaurant for expansion.

For years the residents of Mark Mead Road have opposed applications for strip malls, expansions, etc. by this property owner and have made our points known through recitation of the Town Law, Environmental concerns, Safety concerns, and general common sense. The same applications come back year after year and the same arguments are raised by the residents. However, there are certain points that are not addressed by those that are on this board to protect the residents of the Town of Lewisboro that are outlined within this letter and are of great concern to these residents. As an immediate neighbor to the site of the proposed development, we are of the view that the proposed development will have a serious impact on our standard of living and safety.

I strongly urge this board to not accept this application without fully evaluating the impact it will have on the neighborhood, the neighboring residents and the larger concern of the environment and the safety of the Route 35 and North Salem Road intersection.

Safety

The safety of the surrounding community has been compromised over the years by the current flow of traffic through the establishment.

Cars turning left onto North Salem Road from route 35 have been stopped in the middle of the intersection because traffic unexpectedly stops overflowing from the parking lot. There is no left turn signal at the traffic light causing a situation that one day could result in a fatal oncoming car accident.

Cars coming out of the parking lots block both lanes of North Salem Road, again forcing cars to sit in the middle of the intersection of Route 35.

Cars coming out of the parking lot exit without regard for oncoming traffic causing many near misses each year.

Patrons looking for parking on the street (which is marked NO PARKING) drive into North Salem Road and then make U-Turns at the stop sign without regard for the stop signs, oncoming traffic, etc.

There are NO PARKING signs along the Bacio (west) side of North Salem Road that are chronically disregarded. There is no police presence to enforce this safety measure causing hazardous driving conditions for those that travel the street on a daily basis.

With the increase in traffic, cars and patronage to the establishment as dictated by this application, I suggest that fire authorities dictate the need for a fire hydrant within the parking lot. This would further protect the neighboring residents should a fire occur on this property.

Suggested action: *Conduct a traffic study of the intersection of Route 35 and North Salem road to determine if the current intersection can handle increased traffic as indicated by this proposal. The study should include an evaluation of accidents during the operating hours of the restaurant at the intersection of Route 35 and North Salem Road. Determine if any compensatory traffic changes to North Salem road need to be executed.*

Environmental Concerns

The current proposal indicates that Bacio owners would like to expand the parking capacity by nearly double the current capacity. The parking lot is already currently of great concern for the safety reason listed above.

In addition to the safety concerns, there is tremendous concern with wetland disruption and water runoff from paved parking lots. The homes downstream of the Bacio property regularly experience water issues such as flooding and pooling water. Adding further paved surfaces will exacerbate this condition.

In addition, the grassy area west of the restaurant has been delegated "wet land" in the past. Historic information indicates that the wetland area was filled in without environmental nor town approval many years ago by the Koch family. Filling in a wetland is very hazardous for the environment and does not eliminate the wetland nature of the land. Water from the Bacio property will flow down to the neighboring lots and as far as the Reservoir.

Suggested action: *A full environmental study of the property should be conducted including a historic search on the wetland nature of the property. The Town of Lewisboro Wetland Inspector should conduct a thorough historic review of the property to determine the outline of the wetlands on the property. Westchester County DEC and DEP should be notified and included in all study processes. Concern for the neighboring properties and contamination of the Cross River reservoir should be indicated.*

See the below zoning law excerpts:

Alteration of wetlands and watercourses.

(1)

Pursuant to the policy and findings set forth in the Town of Lewisboro Wetlands and Watercourses Law,¹⁶ in any district, there shall be no alteration, whether by excavation, filling, grading, clearing, draining or otherwise, and whether or not incidental to activities otherwise

permitted, of wetlands or watercourses, or any area within 150 feet adjacent to said wetlands or watercourses, as defined by the Town of Lewisboro Wetlands and Watercourses Law, without compliance with the Town of Lewisboro Wetlands and Watercourses Law.

[1]:

Editor's Note: See Ch. 217, Wetlands and Watercourses.

(2)

It is intended that, except where it is determined by the approving authority, as defined by the Town of Lewisboro Wetlands and Watercourses Law, to be in accordance with the policies and provisions of said law, no paved area and no structures shall be constructed nor topsoil or vegetation disturbed within 150 feet of any wetland or watercourse.

B.

In addition, I suggest that the surrounding lot lines be evaluated to determine if the excess cars, patronage and cooking increases the surrounding temperatures by 1 degree or more and causes increased odor. The study should be conducted on the highest volume day to ensure the surrounding neighborhood is protected per the zoning laws of the Town of Lewisboro.

§ 220-63 Odorous matter.

No land use shall be permitted which emits any discernible odor outside the building in which the use is conducted.

§ 220-66 Fire, explosive hazard and heat.

A.

Fire and explosive hazard. No storage or manufacture of explosives or solid materials or solid products which burn actively or which have a low ignition temperature, a high rate of burning or create great heat under ordinary temperature conditions shall be permitted.

B.

Heat. There shall be no emission of heat which would cause a temperature increase in excess of 1° F. along any adjoining lot line, whether such change be in the air, in the ground or in any watercourse or water body.

Utilities

A question that has remained open and not answered by any Town Board is whether or not the current zoning law allows for utilities that reside on a residentially zoned lot can be utilized to support the commercially zoned business. The owners of the Bacio property installed new septic fields and tank approximately 3 years ago on the residentially zoned property without notification of any neighbors, and from what we understand without town approval. This should be questioned, and evaluated for use by the restaurant. Fines should be imposed where applicable.

In summary, I would like to reiterate my opposition to this application for the many reasons stated in this document.

I thank the Planning Board in advance for their attention to these serious concerns and for your attention to protecting the area in which we live.

ATTACHMENT B

Received 2-17-15

Date: 2/17/2015
TO: The Town of Lewisboro Planning Board
FROM: Matthew and Fiona Spencer
9 Mark Mead Road
Cross River, NY 10518
SUBJECT: Bacio Application for Expansion

To Whom it May Concern:

We are writing to oppose the current application by the Bacio Restaurant for expansion.

For years the residents of Mark Mead Road have opposed applications for strip malls, expansions, etc. by this property owner and have made our points known through recitation of the Town Law, Environmental concerns, Safety concerns, and general common sense. The same applications come back year after year and the same arguments are raised by the residents. However, there are certain points that are not addressed by those that are on this board to protect the residents of the Town of Lewisboro that are outlined within this letter and are of great concern to these residents. As an immediate neighbor to the site of the proposed development, we are of the view that the proposed development will have a serious impact on our standard of living and safety.

We strongly urge this board to not accept this application without fully evaluating the impact it will have on the neighborhood, the neighboring residents and the larger concern of the environment and the safety of the Route 35 and North Salem Road intersection.

Safety

The safety of the surrounding community has been compromised over the years by the current flow of traffic through the establishment.

Cars turning left onto North Salem Road from route 35 have been stopped in the middle of the intersection because traffic unexpectedly stops overflowing from the parking lot. There is no left turn signal at the traffic light causing a situation that one day could result in a fatal oncoming car accident.

Cars coming out of the parking lots block both lanes of North Salem Road, again forcing cars to sit in the middle of the intersection of Route 35.

Cars coming out of the parking lot exit without regard for oncoming traffic causing many near misses each year.

Patrons looking for parking on the street (which is marked NO PARKING) drive into North Salem Road and then make U-Turns at the stop sign without regard for the stop signs, oncoming traffic, etc.

There are NO PARKING signs along the Bacio (west) side of North Salem Road that are chronically disregarded. There is no police presence to enforce this safety measure causing hazardous driving conditions for those that travel the street on a daily basis.

With the increase in traffic, cars and patronage to the establishment as dictated by this application, we suggest that fire authorities dictate the need for a fire hydrant within the parking lot. This would further protect the neighboring residents should a fire occur on this property.

Suggested action: *Conduct a traffic study of the intersection of Route 35 and North Salem road to determine if the current intersection can handle increased traffic as indicated by this proposal. The study should include an evaluation of accidents during the operating hours of the restaurant at the intersection of Route 35 and North Salem Road. Determine if any compensatory traffic changes to North Salem road need to be executed.*

Environmental Concerns

The current proposal indicates that Bacio owners would like to expand the parking capacity by nearly double the current capacity. The parking lot is already currently of great concern for the safety reason listed above.

In addition to the safety concerns, there is tremendous concern with wetland disruption and water runoff from paved parking lots. The homes downstream of the Bacio property regularly experience water issues such as flooding and pooling water. Adding further paved surfaces will exacerbate this condition.

In addition, the grassy area west of the restaurant has been delegated "wet land" in the past. Historic information indicates that the wetland area was filled in without environmental nor town approval many years ago by the Koch family. Filling in a wetland is very hazardous for the environment and does not eliminate the wetland nature of the land. Water from the Bacio property will flow down to the neighboring lots and as far as the Reservoir.

Suggested action: *A full environmental study of the property should be conducted including a historic search on the wetland nature of the property. The Town of Lewisboro Wetland Inspector should conduct a thorough historic review of the property to determine the outline of the wetlands on the property. Westchester County DEC and DEP should be notified and included in all study processes. Concern for the neighboring properties and contamination of the Cross River reservoir should be indicated.*

See the below zoning law excerpts:

Alteration of wetlands and watercourses.

(1)

Pursuant to the policy and findings set forth in the Town of Lewisboro Wetlands and Watercourses Law,¹¹ in any district, there shall be no alteration, whether by excavation, filling, grading, clearing, draining or otherwise, and whether or not incidental to activities otherwise

permitted, of wetlands or watercourses, or any area within 150 feet adjacent to said wetlands or watercourses, as defined by the Town of Lewisboro Wetlands and Watercourses Law, without compliance with the Town of Lewisboro Wetlands and Watercourses Law.

[1]:

Editor's Note: See Ch. 217, Wetlands and Watercourses.

(2)

It is intended that, except where it is determined by the approving authority, as defined by the Town of Lewisboro Wetlands and Watercourses Law, to be in accordance with the policies and provisions of said law, no paved area and no structures shall be constructed nor topsoil or vegetation disturbed within 150 feet of any wetland or watercourse.

B.

In addition, we suggest that the surrounding lot lines be evaluated to determine if the excess cars, patronage and cooking increases the surrounding temperatures by 1 degree or more and causes increased odor. The study should be conducted on the highest volume day to ensure the surrounding neighborhood is protected per the zoning laws of the Town of Lewisboro.

§ 220-63 Odorous matter.

No land use shall be permitted which emits any discernible odor outside the building in which the use is conducted.

§ 220-66 Fire, explosive hazard and heat.

A.

Fire and explosive hazard. No storage or manufacture of explosives or solid materials or solid products which burn actively or which have a low ignition temperature, a high rate of burning or create great heat under ordinary temperature conditions shall be permitted.

B.

Heat. There shall be no emission of heat which would cause a temperature increase in excess of 1° F. along any adjoining lot line, whether such change be in the air, in the ground or in any watercourse or water body.

Utilities

A question that has remained open and not answered by any Town Board is whether or not the current zoning law allows for utilities that reside on a residentially zoned lot can be utilized to support the commercially zoned business. The owners of the Bacio property installed new septic fields and tank approximately 3 years ago on the residentially zoned property without notification of any neighbors, and from what we understand without town approval. This should be questioned, and evaluated for use by the restaurant. Fines should be imposed where applicable.

In summary, we would like to reiterate opposition to this application for the many reasons stated in this document.

We thank the Planning Board in advance for their attention to these serious concerns and for your attention to protecting the area in which we live.

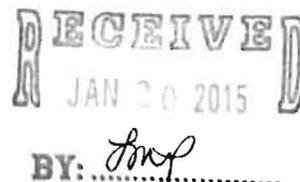
 2/17/2015
Jacqueline Juncer 2/17/15

ATTACHMENT C

January 15, 2015

Re: K&K Real Estate

Hearing Date: January 27, 2015



To The Members of the Planning Board:

I will be on vacation and unable to attend the hearing being held on the 27th of January.

This letter is written in support of the application of K&K Real Estate which will come before you to expand the restaurant. In the event there is objection to this expansion I wish to acknowledge that in the past we have seen plans for this area which included a mini strip mall, a bank which would require high intensity lighting for an ATM and one even had a tower with a low income housing unit. A group of neighbors met with the owners and indicated that if they just expanded the restaurant we could live with that. This is what they are doing.

I am personally familiar with the work of the The Helmes Group and have seen the plans they have designed for this location. I am confident this will be an enhancing addition to this area. In addition the angled parking seen on other plans will encourage the use of the driveway further from the corner.

I again support this application.

Sincerely,

A handwritten signature in cursive script, appearing to read "Suzanne Dackelbaum".

22 Mark Mead Rd.

A handwritten signature in cursive script, appearing to read "Ann Luria".

ANN LURIA
Notary Public, State of New York
No. 02LU6089368
Qualified in Putnam County
Commission Expires Mar. 24, 2015

MARCH 24, 2015

Received 2-17-15

MEMORANDUM

TO: Chairman Jerome Kerner, AIA and
Members of the Lewisboro Planning Board

CC: Lisa Pisera
Judson Siebert, Esq. *fl*

FROM: Jan K. Johannessen, AIA
Joseph M. Cermele, P.E., F
David J. Sessions, RIA, AIC
Town Consulting-Professionals

DATE: February 12, 2015

RE: Jennifer & Pietro Cipriano, Jr.
Copia Garden Center
475 Smith Ridge Road & 5 East Street
Sheet 53, Block 9834, Lots 35 & 48

Project Description

The applicant owns a landscape nursery business known as Copia located at 475 Smith Ridge Road (Tax Lots 35 and 48) and an abutting residential lot (Tax Lot 36). In November of 2014, the Town Board amended the underlying zoning district so that all three (3) lots are now located in the GB Zoning District, where landscape nursery is a permitted use. Collectively, the three (3) lots consist of ±1.8 acres and the applicant is proposing to expand the landscape nursery business onto the existing residential parcel and is proposing, among other things, to modify the curb cut on East Street.

SEQRA

The proposed action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and a coordinated review is not required. Prior to making a decision on this pending application, the Planning Board must issue a Determination of Significance.

Chairman Jerome Kerner, AIA
February 12, 2015
Page 2

Chairman Jerome Kerner,
AIA February 12, 2015
Page 2

Required Approvals

1. Site Development Plan Approval and a Town Stormwater Permit are required from the Planning Board.

Annotated Response: Above will be submitted with Step 2- Site Development Plan Application.

2. A Wetland Activity Permit may be required from the Planning Board.

Annotated Response: Applicant will await determination.

3. The application should be referred to the Westchester County Planning Department in accordance with Section 239-m of the General Municipal Law; the Planning Board Secretary will coordinate this referral.

Annotated Response: Applicant will await determination and identification of specific action requiring referral.

Comments

1. As currently proposed; a tractor trailer exiting onto East Street requires maneuvering fully into the opposing lane of traffic. As previously discussed, this office remains concerned about the excessive width of the curb cut onto East Street (60 feet). It would be helpful if the applicant provided a plan illustrating typical site operations, including various storage areas (plant storage, material storage, bins, etc.), loading and unloading, circulation etc. The applicant should consider the feasibility of utilizing the existing curb cut on NYS Route 123 for commercial deliveries, with delivery circulation through the site and exiting onto East Street (at the existing driveway which currently serve the residence).

Annotated Response:

A. *Current delivery curb-cut and access off East Street was approved by the Planning Board on January 2, 1985.*

B. *Please understand Coptia Home and Garden does not wish to hinder the shopping experience of its clientele, many of whom live in the immediate neighborhood. The North side of Coptia has been the retail display and plant storage portion of the site and the south side has been the unloading portion. This cannot and should not be changed as the flow of the main building and greenhouses work in this manner and have worked in this manner*

since approved in 1985. We did try to unload trailers on the north side of the building (as it was more efficient to have the plants placed right into their plant areas) only to be faced with drivers with little driving skill, retail customers and cars in the path of the tractor trailers, traffic on 123 backing up with irate drivers, drivers on 123 trying to pass tractor trailers looking to make the turn into the main entrance, truck drivers needing more than one maneuver to make the turn in and drivers who inadvertently headed south along the front parking area and needing to be backed out onto 123, etc. After understanding that this would not work I actually spoke with Paul Toms, the original owner of the Garden Center at this site. He told me of an agreement with the town at the time that allowed him to unload from the town park. He told me how they would drive the forklift and or tractor across East Street to unload. Subsequently many neighbors have told me the same and actually appreciate my efforts of unloading on the immediate side of the nursery without driving forklifts or tractors across East Street. There has been a learning curve and we have addressed this with the truckers to be more respectful and pull off the road in an efficient manner. Now, most of the drivers have been trained to pull off East Street.

- C. Copia cannot afford a redesign of the entire retail space and site plan as the Architectural and Engineering fees alone will amount to many thousands of dollars, which could be put towards the actual bones of the facilities to improve the aesthetics of this corner of Vista and its environs. We believe in the plan that we have put forth and, for the reasons expressed above, cannot agree to allow tractor trailers to pull through the north side retail areas as it will destroy Copia's business and compromise safety. The area between Vista Market and Copia is an oasis for our customers and we do not wish to affect that.*

- D. Imagine an 18 wheeler trying to navigate through customer parking, retail display and plant storage areas with traffic backing up on 123. The following photos with a 10 wheeler at Nicos Deli show how traffic can become backed-up. Some cars on 123 are traveling at speeds of up to 60 mph and have to stop because of backed up traffic waiting for a large truck having difficulty maneuvering off 123. Imagine this scenario with customers and cars in my lot and in the retail area. We had a thruway at my parent's garden center which made it very difficult for customers to shop as well as a danger for running children. That is why the unloading area should not come through a retail area. Considering the current delivery curb-cut and access off East Street was previously approved by Planning Board; the proposed curb-cut widening is a means of immediately removing trucks off the street, improving access parking for tractor trailer deliveries, a means of addressing resident safety and way to improve unsightly conditions.*

Chairman Jerome Kerner, AIA
February 12, 2015
Page4



Chairman Jerome Kerner, AIA
February 12, 2015
Page5



2. It appears from available aerial imagery, that a majority of the nine (9) existing parking spaces shown along the northern boundary line are currently being utilized for storage/display of garden supplies.

Annotated Response: Five of the spaces along the northern boundary are available during the spring rush (mid April through the beginning of June) as we park them along the statutory that is currently there. This area is filled up at less busy times as the merchandise is visible to the traffic. Whereas 26 parking spaces are provided; 22 Parking Spaces are required which provides flexibility with seasonal needs for merchandise display and parking.

3. In an effort to separate commercial traffic from customer parking, the applicant should consider relocating the parking spaces provided along the north property line to the southern portion of the site. This may be feasible in conjunction with the delivery circulation recommended above. The zoning tables should be revised to compare the required, existing and proposed conditions to the GB Zoning District; separate columns shall be provided.

Annotated Response: Current parking configuration was approved by Planning Board on January 2, 1985 and remains the safest and most efficient layout for the functioning of retail business and deliveries. The Addendum Site Data Form submitted as part of Step 1-Sketch Site Plan Application indicates required, existing and proposed conditions and will be incorporated onto the Site Plan Drawing.

4. We note that the existing parking area along the southerly property line extends into the Town right-of-way. The applicant should discuss this existing condition with the Planning Board to determine available means to maintain or correct this.

Annotated Response: Current parking configuration was approved by Planning Board on January 2, 1985; including along the southerly property line. On the same date and part of the approval, a road widening strip was conveyed to the Town of Lewisboro for road widening purposes. It would seem reasonable that the current parking can remain until such time the Town decides to widen the road.

5. The applicant should analyze the zoning implications of potentially merging the parcels into one (1) lot.

Annotated Response: Applicant is reviewing zoning implications for merging lots into one lot; however, the applicant wishes to continue the Site Approval process with the current separate lots.

6. The plan shall illustrate the location of two (2) required off-street parking stalls for 5 East Street; the zoning table shall be revised accordingly.

Annotated Response: Intent is to park on existing paved drive way, however, applicant will show specific location on Step 2- Site Development Plan Application.

7. An Existing Conditions Survey shall be provided and should illustrate, at a minimum, all internal roads, building, storage bins, parking/loading areas, etc.
Annotated Response: Existing Conditions Survey will be submitted as part of Step 2- Site Development Plan Application.
8. The site plan must illustrate the boundaries of any off-site wetlands which could potentially impact the site; the corresponding 150-foot locally-regulated wetland buffer area shall be shown.
Annotated Response: Off-site Wetlands and 150-foot buffers will be submitted as part of Step 2- Site Development Plan Application. Off-site and locally-regulated Wetland locations and boundaries will have to be identified by the Town so they can be illustrated on the site plan.
9. The applicant shall refer to the definition of Site Coverage (Chapter 220-2 of the Zoning Code) and revise the calculations provided in zoning tables accordingly.
Annotated Response: Site Coverage and FAR Calculations will be revised accordingly and submitted as part of Step 2- Site Development Plan Application.
10. The plans shall illustrate and quantify the overall limits of disturbance for the project.
Annotated Response: Approximate SF of disturbance was noted on Sketch Plan; the overall limits of disturbance will be illustrated and more specifically quantified as part of Step 2- Site Development Plan Application.
11. The proposed drive should be asphalt pavement and curbed.
Annotated Response: The new curb cut will be paved up to the property line. Gravel is the existing surface in this area and is preferred beyond the paved curb-cut. Asphalt pavement will make this area very hot and plant quality will be diminished while unloading trucks, near the greenhouse and plant storage areas. Also the gravel can be freshened as needed.
12. Construction details shall be provided for all proposed improvements, including, but not limited to, fence, gates and driveway.
Annotated Response: Construction details for proposed improvements will be submitted as part of Step 2- Site Development Plan Application.
13. The plan shall clarify the limits of the property boundary.
Annotated Response: Property boundary lines will be clarified darkened and submitted as part of Step 2- Site Development Plan Application.
14. A North Arrow shall be added to the plan.
Annotated Response: North Arrow will be added and submitted as part of Step 2- Site Development Plan Application.

15. A detailed engineering review will be completed upon receipt of revised engineering plans and a Stormwater Pollution Prevention Plan (SWPPP).
Annotated Response: A Stormwater Pollution Prevention Plan (SWPPP) will be submitted as part of Step 2- Site Development Plan Application.
16. The applicant should complete and submit Parts 1 and 2 of the Short Environmental Assessment Form (EAF).
Annotated Response: "Parts 1 and 2 of the Short Environmental Assessment Form (EAF) will be submitted as part of Site Development Plan-Part 2 Application".
17. We would recommend that the applicant schedule a technical meeting with our office to discuss the details of the proposed plan further.
Annotated Response: We will schedule a meeting as recommended.

In order to expedite the review of subsequent submissions, the applicant should provide annotated responses to each of the comments outlined herein.

Plan Reviewed, prepared by David W. Coffin, Jr., Architect and dated January 27, 2015:

- Sketch Plan Review Submission (Dr. No. 1 of 1)

Documents Reviewed:

- Step 1: Application for Sketch Plan Review - Site Development Plan
- Sketch Plan Review Narrative

JKJ/JMC/DJS/dc

RESOLUTIONS

**RESOLUTION
LEWISBORO PLANNING BOARD**

**SITE DEVELOPMENT PLAN APPROVAL
WETLAND ACTIVITY PERMIT APPROVAL
TOWN STORMWATER PERMIT**

**K & K REAL ESTATE, INC. (BACIO TRATTORIA)
12 NORTH SALEM ROAD**

Sheet 17, Block 10799, Lot 3
Cal. # 9-10 PB, Cal. # 84-14WP & Cal. # 14-14SW

February 17, 2015

WHEREAS, the Planning Board has received an application from K & K Real Estate, Inc. (“the applicant”) for Site Development Plan Approval, a Wetland Activity Permit and a Town Stormwater Permit in connection with its property located at 12 North Salem Road in the hamlet of Cross River (“the subject property”); and

WHEREAS, the subject property consists of ±1.93 acres of land and is currently developed with a ±1,146 s.f. restaurant (known as Bacio Trattoria), an outdoor seating area, asphalt parking area with access onto North Salem Road, a detached garage, septic system, and potable water well; and

WHEREAS, the subject property is located within the Town’s RB and R-1/2A Zoning Districts, with the above-ground existing and proposed improvements being located/proposed entirely within the RB Zone; and

WHEREAS, the subject property is identified on the Town’s Tax Maps as Sheet 17, Block 10799, Lot 3; and

WHEREAS, the applicant is proposing a 1-story addition (expansion of the kitchen and dining room), an increase in seating capacity from 28 seats to 60 seats, an increase in the number of seasonal outdoor seats, expansion and reconfiguration of the parking area to provide for 30 parking stalls, and proposed drainage improvements (“the proposed action”); and

WHEREAS, the site topography varies from nearly level to gently sloping and the majority of the subject property gently slopes to the northwest. Lawn covers the northwest, central-western, central and southeast portions of the subject property and the subject property contains two (2) wetland areas; and

WHEREAS, Wetland A is located at the northwest edge of the subject property and extends off-site towards NYS Route 35; a narrow band extends south along the property line for approximately 40 feet. This wetland area contains stormwater run-off and groundwater seeps that flow northwest to the edge of NYS Route 35 where it is piped

under the roadway and into the adjacent “Meadows” development. This wetland functions primarily as a minor groundwater/surface water discharge point and has limited water storage, water quality and wildlife habitat functions; and

WHEREAS, Wetland B is relatively small ($\pm 35'$ across) and is located at the central-western edge of the subject property. The western portion of the wetland consists of a lightly wooded area with a thin elm tree canopy, a few multiflora rose shrubs and a herbaceous layer consisting of Japanese silt grass; the eastern portion of the wetland is mowed lawn. This wetland is hydrologically isolated, contains no surface water, and has poor vegetative development; and

WHEREAS, the proposed action will result in a total of $\pm 43,000$ s.f. of land disturbance, $\pm 28,909$ s.f. of which will occur within the Town’s wetland buffer; no disturbance to the wetland proper is proposed; and

WHEREAS, to compensate for impacts proposed within the Town’s wetland buffer, the applicant is proposing a biofiltration stormwater management practice which will treat and detain stormwater runoff before entering Wetland A. The applicant is also proposing to restore portions of the buffer with new plantings (trees, shrubs, groundcover) and is proposing a no-mow zone over the southern end of the subject property; and

WHEREAS, proposed improvements are located on lands that have been previously disturbed and disturbance within the wetland buffer is unavoidable; and

WHEREAS, the applicant is proposing the continued use of the existing outdoor seating area; and

WHEREAS, the existing and proposed seasonal outdoor seating area has been found to comply with Section 220-16 of the Zoning Code, entitled “Seasonal Outdoor Restaurant Seating” and, in addition, variances from standards imposed under Section 220-16 have been obtained from the Zoning Board of Appeals; and

WHEREAS, in addition to required Planning Board Approvals and referrals to local and regional agencies, the applicant has obtained or requires approvals/permits from the Town of Lewisboro Town Board, Zoning Board of Appeals, Town Highway Department, the Architecture and Community Appearance Review Council (ACARC), the Westchester County Department of Health (WCDH), the New York State Department of Environmental Conservation (NYSDEC), the New York City Department of Environmental Protection (NYCDEP), and the New York State Department of Transportation (NYSDOT); and

WHEREAS, the Town Board modified the RB/R-1/2A Zoning District boundary line on April 11, 2011 (see Local Law #2 of 2011); and

WHEREAS, several area variances were granted by the Zoning Board of Appeals on September 17, 2014 (see Cal. No. 16-14-BZ); and

WHEREAS, the proposed addition was approved by the ACARC on November 13, 2014 (see Cal. No. 21-14-ACARC); and

WHEREAS, reference is made to a letter from Lou Carrea, P.E. of the WCDH, dated November 4, 2011, granting a Change of Use Permit; and

WHEREAS, the application has been referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law; and

WHEREAS, reference is made to the Stormwater Pollution Prevention Plan (SWPPP), prepared by Bibbo Associates, LLP and dated (last revised) October 27, 2014; and

WHEREAS, the subject property is located within the New York City East of Hudson Watershed and is subject to the rules and regulations of the NYCDEP; and

WHEREAS, the subject property is located within the NYCDEP Designated Main Street Area and the SWPPP must be approved by the NYCDEP; and

WHEREAS, the applicant is proposing ± 0.9 acres of soil disturbance and coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) is required; and

WHEREAS, a Town Stormwater Permit is required from the Planning Board in accordance with Section 189-5A of the Town of Lewisboro Town Code; and

WHEREAS, the submitted SWPPP has been prepared to comply with the requirements of the NYSDEC, NYCDEP and the Town of Lewisboro; and

WHEREAS, the application has been referred to the Conservation Advisory Council (CAC) for review and comment and the CAC has provided comment throughout the Planning Board review process; and

WHEREAS, the Planning Board conducted a duly noticed public hearing which was opened and closed on February 17, 2015, at which time all interested parties were afforded an opportunity to be heard; and

WHEREAS, the proposed action has been determined to be an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617 and a coordinated review was not conducted; and

WHEREAS, the Planning Board issued a Negative Declaration of Significance pursuant to SEQRA on September 17, 2013; and

WHEREAS, the Planning Board is familiar with the subject property and has considered the submitted Site Development Plan Application; Wetland Activity Permit Application; Town Stormwater Permit Application; correspondence from outside agencies; other

materials submitted by the applicant in support of its proposal; the written and verbal comments from the Board's professional consultants; the verbal commentary and written submissions made during Planning Board meetings and the public hearing; and the decisions, comments and recommendations of the Town Board, ZBA, ACARC and CAC.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board hereby grants Site Development Plan Approval, subject to the below conditions; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves the following drawings, hereafter referred to as "the approved Site Development Plans", prepared by Bibbo Associates, LLP and dated (last revised) January 7, 2015, subject to the below conditions:

- Existing Conditions (SP-1)
- Site Plan (SP-2)
- Erosion Control Plan (EC-1)
- Landscaping Plan & Details (LP-1)
- Lighting Plan & Details (LP-2)
- Details (D-1)
- Details II (D-2)
- Details III (D-3)

BE IT FURTHER RESOLVED THAT, pursuant to Section 220-15B(7) of the Zoning Code, the Planning Board hereby grants a waiver to permit permanent encroachments into the landscape buffer, as shown on the Site Development Plans approved herein; and

BE IT FURTHER RESOLVED THAT, the granting of this waiver is based on the size of the subject property, its existing developed condition, the proximity of the existing building and proposed additions in relation to the surrounding property lines, the minimization of the proposed encroachments to only that necessary, the presence of existing encroachments in the landscape buffer, and placement of a significant amount of landscaping both within and outside the buffer area to properly screen site activities from neighboring properties and adjacent thoroughfares; and

BE IT FURTHER RESOLVED THAT, Site Development Plan Approval, defined as the signing of the approved Site Development Plans by the Planning Board Chairman, shall expire unless a Building Permit is applied for within one (1) year of the date of the signing of the plans or if all required improvements are not completed within three (3) years of the signing of the plans or if the construction or use shall cease for more than one (1) year; and

BE IT FURTHER RESOLVED THAT, the Planning Board may extend conditional approval and approval of the Site Development Plans by not more than two (2) additional periods of 90 days each if, in the Planning Board's opinion, such extension is warranted by the particular circumstances; and

BE IT FURTHER RESOLVED THAT, any subsequent alterations, modifications, additions or changes to the approved and/or constructed improvements shall require the prior review and written approval by the Planning Board as a new, modified and/or amended application for Site Development Plan Approval; and

BE IT FURTHER RESOLVED THAT, failure to comply with the approved Site Development Plans or any of the conditions set forth herein shall be deemed a violation of Site Development Plan Approval, which may lead to the revocation of said approval or the revocation by the Building Inspector of any issued Building Permit or Certificate of Occupancy; and

BE IT FURTHER RESOLVED THAT, in the review of this Wetland Activity Permit application, the Planning Board has taken into account the factors listed under Section 217-8A of the Wetland and Watercourse Law and, in so doing, has considered/evaluated wetland and wetland buffer functions and the role of the wetland and wetland buffer areas in the hydrologic and ecological system and has determined that the impact of the proposed action upon the public health and safety; special concern, rare, threatened and endangered species; water quality and wetland and wetland buffer functions has been avoided or minimized to the maximum extent practicable; and

BE IT FURTHER RESOLVED THAT, the Planning Board has reviewed the criteria listed under Section 217-8B of the Wetland and Watercourse Law and has determined that impacts to the affected wetland and wetland buffer areas are necessary and unavoidable and have been minimized to the maximum extent practicable; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby finds that the Wetland Activity Permit Application pertaining to the proposed action is consistent with the provisions and policies of Chapter 217 of the Code of the Town of Lewisboro and said permit is hereby approved, subject to the conditions set forth below; and

BE IT FURTHER RESOLVED THAT, all work associated with this Wetland Activity Permit shall be conducted in strict compliance with the approved Site Development Plans; and

BE IT FURTHER RESOLVED THAT, no work shall commence until a Wetland Activity Implementation Permit is issued by the Town Wetland Inspector; and

BE IT FURTHER RESOLVED THAT, this Wetland Activity Permit shall expire without further written notice if the requirements of this Resolution are not completed, as set forth herein. As provided pursuant to the Town Wetlands and Watercourses Law, this Wetland Activity Permit is subject to revocation should the owner/applicant not comply with the terms and conditions of this Resolution; and

BE IT FURTHER RESOLVED THAT, this Wetland Activity Permit shall expire two (2) years from the date of this Resolution, unless a Certificate of Occupancy has been obtained prior thereto; and

BE IT FURTHER RESOLVED THAT, the Planning Board finds that the applicant has complied with Chapter 189, Stormwater Management and Erosion and Sediment Control, and a Town Stormwater Permit is hereby issued, subject to the conditions set forth below; and

BE IT FURTHER RESOLVED THAT, this Town Stormwater Permit shall expire upon completion of work and shall be valid for a period of two (2) years from the date of this Resolution; and

BE IT FURTHER RESOLVED THAT, Conditions #1 - #13 must be fulfilled within six (6) months of the date of this Resolution. Should these conditions not be satisfied within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) with said 6-month period and granted by the Planning Board.

Conditions to be Satisfied Prior to the Signing of the Approved Site Development Plans by the Secretary and Chairman:

1. The applicant shall submit to the Planning Board Secretary an engineering/inspection fee equal to 5% of the estimated cost of construction; said estimate shall be provided by the applicant, in writing, and approved by the Town Engineer.
2. The “Stormwater Control Facility Maintenance and Access Agreement” shall be prepared to the satisfaction of the Town Engineer and Planning Board Attorney and filed in the office of the Westchester County Clerk.
3. The drainage easement proposed on the adjacent lot to the west of the subject property shall be prepared to the satisfaction of the Town Engineer and Planning Board Attorney and filed in the office of the Westchester County Clerk.
4. The trash enclosure detail shall be revised to specify a fence height of 8 feet. A path or walkway to the trash enclosure from the restaurant shall be provided.
5. The applicant shall obtain all necessary approvals from the Town of Lewisboro Highway Superintendent, the NYCDEP and the NYSDOT. Should either agency require significant plan changes, as determined by the Town’s consultants, the approved Site Development Plans shall not be signed until the plan changes have been reviewed and approved by the Planning Board.
6. The applicant shall satisfy any outstanding written comments provided by the Town’s consultants.
7. The applicant shall submit the Notice of Intent (NOI) and MS4 SWPPP Acceptance Form to the Planning Board Secretary for review by the Town Engineer. Following the Town Engineer’s review and approval of these

documents, the Town's Stormwater Management Officer shall sign the SWPPP Acceptance Form. The applicant shall submit the completed MS4 SWPPP Acceptance Form, along with the Notice of Intent (NOI), to the NYSDEC, Division of Water and copy the Planning Board Secretary with same.

8. Each and every sheet of the approved Site Development Plans shall contain a common revision date with notation stating "Planning Board Approval", shall contain an original seal and signature of the design professional and shall contain an original signature of the owner(s).
9. The applicant shall submit a "check set" (2 copies) of the approved Site Development Plans, prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
10. Following review and revision (if necessary) of the final plans, the applicant shall furnish the Planning Board with two (2) complete mylar sets of the approved Site Development Plans for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chairman and Secretary.
11. The applicant shall obtain a Wetland Implementation Permit, as issued by the Town Wetland Inspector.
12. The applicant shall provide a written statement to the Planning Board Secretary acknowledging that they have read and will abide by all conditions of this Resolution.
13. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Conditions to be Satisfied Prior to the Issuance of a Building Permit:

14. Following the endorsement of the approved Site Development Plans by the Town Engineer, Planning Board Chairman and Secretary, one (1) mylar set will be returned to the applicant for copying and the second mylar set will be retained by the Planning Board as a record copy.
15. Within 10 days after endorsement of the approved Site Development Plans by the Town Engineer, Planning Board Chairman and Planning Board Secretary, the applicant shall deliver to the Planning Board Secretary nine (9) printed sets of the signed plans, collated and folded.
16. The applicant shall demonstrate that coverage has been obtained under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001).

Conditions to be Satisfied Prior to Commencement of Work:

17. Prior to commencement of any site work or construction activity, a site visit shall be conducted with the applicant, contractor, Building Inspector, and the Town's consultants. Prior to the site visit, all erosion and sedimentation controls shall be properly installed by the applicant, the limits of disturbance shall be staked in the field and construction fencing shall be installed as specified on the approved Site Development Plans.

Conditions to be Satisfied During Construction:

18. During construction the Town's consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved Site Development Plans.
19. A copy of this Resolution, approved Site Development Plans, Wetland Implementation Permit and SWPPP shall be kept on site at all times during construction.
20. All plant material shall be installed between April 1st and October 15th. Plant substitutions, if any, must be previously approved by the Town's consultants.

Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy

21. Submission of an as-built survey, prepared by a NYS Licensed Land Surveyor and to the satisfaction of the Town Engineer, demonstrating compliance with the approved Site Development Plans shall be submitted to the Building Inspector and Planning Board (four (4) copies).
22. An as-built plan of the stormwater management practices and associated improvements shall be submitted and shall be certified by a NYS Professional Engineer (four (4) copies).
23. An as-built planting plan shall be prepared to the satisfaction of the Town's consultants and submitted to the Planning Board (four (4) copies).
24. Certification by a NYS Professional Engineer that all stormwater management practices and associated improvements have been installed in conformance with the approved Site Development Plans shall be submitted to the Building Inspector and Planning Board.
25. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved Site Development Plans, Wetland Implementation Permit and this Resolution.

26. A Certificate of Occupancy shall not issue until the Town Engineer has conducted a site visit and has determined that the subject property has been developed in accordance with the approved Site Development Plans.
27. The applicant shall obtain a Wetland Certificate of Compliance from the Town of Lewisboro Wetland Inspector.
28. The owner/operator shall submit a completed Notice of Termination (NOT) to the NYSDEC, Division of Water and the Planning Board Secretary.
29. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Conditions of Operation:

30. The combined total number of restaurant seats shall not exceed 60 seats. The seasonal outdoor restaurant seating facility shall not increase the approved seating capacity for the restaurant. When the outdoor seating area is in use, an equal amount of indoor seats shall be removed from within the restaurant.
31. The seasonal outdoor restaurant seating facility shall be operated by the subject restaurant and shall have all food and beverages prepared inside the related restaurant.
32. Existing and proposed landscaping which provides screening for the outdoor seating area must be maintained by the restaurant owner for the life of the facility.
33. The seasonal outdoor restaurant seating facility shall not be expanded upon without Planning Board approval and shall be limited to a maximum outdoor floor area equal to or less than 25% of the total gross floor area of the inside restaurant seating area.
34. All lights relating to seasonal outdoor seating area shall be minimized and designed to match existing facilities and the surrounding neighborhood character. Lighting shall be directed downward and inward to the site, so that the light source is not visible from an adjacent property.
35. Sound amplification and public address systems and equipment is prohibited. The seasonal outdoor restaurant seating area shall not be utilized for live performances or recorded audio transmissions.
36. Permissible hours of operation and use of the seasonal outdoor restaurant seating facility shall be 8:00 a.m. to 10:00 p.m. daily.
37. All proposed stormwater practices shall be maintained by the applicant, or its successors and/or assigns. The applicant, or its successors and/or assigns, shall maintain all proposed on-site stormwater practices in accordance with

maintenance protocols and inspection schedules specified within the approved SWPPP and on the approved Site Development Plans.

38. All exterior parking lot lighting shall be turned off during non-operating hours.
39. Loading or unloading on any public street is prohibited.
40. The continued validity of a Certificate of Occupancy shall be subject to continued conformance with the approved Site Development Plans and the conditions of this Resolution.

ADOPTION OF RESOLUTION

WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: Mr. Tetelman

The motion was seconded by: Mr. La Sorsa

The vote was as follows:

JEROME KERNER	<u>Aye</u>
JOHN O'DONNELL	<u>Aye</u>
RON TETELMAN	<u>Aye</u>
ROBERT GOETT	<u>Aye</u>
GREG LASORSA	<u>Aye</u>



Jerome Kerner February 17, 2015

**STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF LEWISBORO**

I, Lisa M. Pisera, Secretary to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 17th day of February, 2015 and that the same is a true and correct copy of said original and of the whole thereof.



Lisa M. Pisera
Planning Board Secretary

Dated at Cross River, New York
This 18th day of February, 2015

**RESOLUTION
LEWISBORO PLANNING BOARD**

**AMENDED #8 APPROVALS
WETLAND ACTIVITY PERMIT
TOWN STORMWATER PERMIT
SITE DEVELOPMENT PLAN**

**LAUREL RIDGE
(AKA OAKRIDGE GARDENS)**

Sheet 49D, Block 9830, Parcels 1-A-8 and 1-A-9
Cal. # 6-02 P.B.

February 17, 2015

WHEREAS, on October 12, 2010, the Town of Lewisboro Planning Board granted Wetland Activity Permit Approval, Stormwater Permit Approval and Site Development Plan Approval pertaining to the construction of a 46-unit multifamily development known as Oakridge Gardens (AKA Laurel Ridge); and

WHEREAS, the Planning Board amended the approvals by Resolutions adopted on July 11, 2011, June 12, 2012, August 14, 2012, September 24, 2012, September 17, 2013, July 15, 2014 and November 18, 2014; and

WHEREAS, Smith Ridge Housing, LLC (“the Applicant”) has submitted a written request to further amend a condition of the Planning Board’s approving Resolution(s);

WHEREAS, reference is made to a letter signed by Philip Pine, President of Laurel Ridge Development, Inc., dated February 13, 2015; and

WHEREAS, the applicant has requested that stormwater improvements proposed on the adjacent Oakridge Shopping Center parcel, specifically, the installation of the “Downstream Defender” hydrostatic separator, be required to be installed by April 30, 2015; and

WHEREAS, the request to modify the timing of installation of the Downstream Defender is based on the fact that the applicant has encountered significant weather-occasioned delays in the field and certificates of occupancy have been issued; and

WHEREAS, the Planning Board finds no reason to delay the issuance of certificates of occupancy, provided the Downstream Defender is, as represented by the Applicant, to be installed when weather conditions permit and no later than April 30, 2015; and

WHEREAS, the Planning Board has considered the previously submitted Waiver of Site Development Plan Procedures Application, the submitted plans, other materials submitted by the applicant in support of its proposal, prior Planning Board resolutions pertaining to the subject project, comments from the Board's professional consultants, the verbal commentary made during Planning Board meetings, and the testimony of the applicant.

NOW THEREFORE BE IT RESOLVED THAT, the proposed timing amendment will pose no further adverse environmental impacts when compared to the originally approved and amended actions and, therefore, the Planning Board hereby reaffirms its Negative Declaration of Significance, and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby waives Site Development Plan Procedures with regard to the requested amendment; and

BE IT FURTHER RESOLVED THAT, Condition #SP52(i) of the Planning Board's September 24, 2012 Resolution, as amended on November 18, 2014, is again amended to require the installation of the Downstream Defender by April 30, 2015, and allowing the applicant to obtain certificates of occupancy as determined by the Building Department; and

BE IT FURTHER RESOLVED THAT, that on or before April 30, 2015, the Downstream Defender shall be installed to the satisfaction of the Town Engineer and the applicant shall provide an as-built drawing of the unit demonstrating compliance with the approved site development plans; and

BE IT FURTHER RESOLVED THAT, the Planning Board has determined that the requested amendment requires no formal modification to the previously approved and signed site development plans. All construction, design, approvals, conditions, restrictions and requirements of any previously approved Resolution, Site Development Plans, Construction Sequencing Specification, Building Permit or any other permit/approval shall remain applicable and in force to the extent not specifically superseded by this Resolution.

ADOPTION OF RESOLUTION

WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: Mr. O'Donnell

The motion was seconded by: Mr. Goett

The vote was as follows:

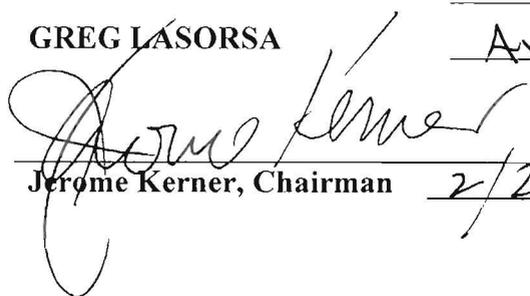
JEROME KERNER Aye

JOHN O'DONNELL Aye

RON TETELMAN Aye

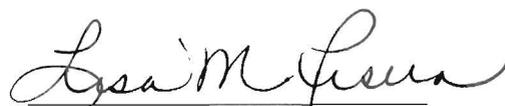
ROBERT GOETT Aye

GREG LASORSA Aye


Jerome Kerner, Chairman 2/26, 2015

**STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF LEWISBORO**

I, Lisa M. Pisera, Secretary to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 17th day of February, 2015 and that the same is a true and correct copy of said original and of the whole thereof.



Lisa M. Pisera
Planning Board Secretary

Dated at Cross River, New York
This 26th day of February, 2015